

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to general permits and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455B.173(11).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.173(11), 455B.183 and 455B.186.

Purpose and Summary

This proposed rule making renews five National Pollutant Discharge Elimination System (NPDES) general permits (General Permit Nos. 5, 6, 7, 8, and 9). General permits authorize certain types or classes of facilities to discharge wastewater without having to obtain an individual NPDES permit. General permits are required by law to be adopted through rule making.

The proposed renewal of all five permits in one rule making will streamline future renewals by aligning the permits’ respective effective dates. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028.

This rule making includes proposed changes to General Permit Nos. 5 through 7 to align the permits with recently revised definitions in 567—Chapter 60. More substantive changes are made to General Permit Nos. 8 and 9. This is the first renewal for these two permits. The changes to both of these permits are necessary to clarify and revise regulatory requirements. Among other updates, the changes clarify requirements for electronic Notice of Intent submittals, extend applicable time frames, and insert consistent terminology. Further changes to General Permit No. 8 add eligibility criteria for ammonia and update the eligibility criteria for lead and aluminum.

The proposed permits can be viewed in full at www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 8, 2022. Comments should be directed to:

David Schelling
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Fax: 515.725.8202
Email: david.schelling@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact David Schelling via email. A meeting registration link will be provided prior to the hearing. Persons who wish to make oral comments at the public hearing must submit a request to David Schelling prior to the hearing to facilitate an orderly hearing.

July 6, 2022
1 to 2 p.m.

Via video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrules 64.15(5) to 64.15(9) as follows:

64.15(5) "Discharge from Mining and Processing Facilities," NPDES General Permit No. 5, effective ~~July 20, 2021~~ July 1, 2023, to ~~July 19, 2026~~ June 30, 2028.

64.15(6) "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective ~~March 1, 2020~~ July 1, 2023, to ~~February 28, 2025~~ June 30, 2028.

64.15(7) "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides," NPDES General Permit No. 7, effective ~~May 18, 2021~~ July 1, 2023, to ~~May 17, 2026~~ June 30, 2028.

64.15(8) "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No. 8, effective July 1, ~~2018~~ 2023, to June 30, ~~2023~~ 2028.

64.15(9) "Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No. 9, effective July 1, ~~2018~~ 2023, to June 30, ~~2023~~ 2028.